



MICHIGAN

To: Honorable Members of the Senate Judiciary Committee

From: Amanda Fisher, Assistant State Director

Date: April 30, 2014

RE: SB 788 – Trespasser Liability.

We are writing to ask you to support HB 788 which would protect business owners from being responsible for injuries sustained to those found to be trespassing on their private property.

Over the years, one of the few bright spots in Michigan's business climate has been our legal system. Vigilance is necessary if we are to keep this advantage from being eroded by outside activist groups.

SB 788 would halt attempts by certain groups to loosen long standing case law in regards to trespasser liability. As you can imagine, most of our members are property owners and many have trouble with trespassers. Landowners in Michigan, as with most states, generally do not owe a duty of care to trespassers and are not responsible for their injuries or deaths. However, the American Law Institute's Third Restatement of Torts would drastically change Michigan's common law so that a property owner would owe a duty of care to a trespasser, unless that person is a so-called "flagrant" trespasser, a concept undefined by either existing common law or in the Restatement

NFIB feels that if someone enters private property uninvited, or even illegally, they should not be entitled to protections and duties of care by the property owners. Without SB 788, small business owners could be especially vulnerable to this kind of litigation, because they do not have the time or the funds to sustain a lengthy lawsuit against a trial attorney working for a cut of a potential jury award.

Again, we ask for your support of SB 788.

Thank you for your support of small business.